

REMARKS

In the Office Action, the Examiner objected to claims 6 through 9 as being in improper multiple dependent form. The Applicant has amended these claims to remove the multiple dependencies and thereby address the Examiner's objections. The Applicant, therefore, respectfully requests withdrawal of the Examiner's objections. Additionally, the Examiner rejected claims 1 - 9 under 35 U.S.C. § 112, second paragraph, as being indefinite because the scope of the invention is not clear. The Examiner also rejected claims 1 - 3 under 35 U.S.C. § 101 stating that the claimed invention is directed to nonstatutory subject matter. The Examiner further indicated that claims 4 through 9 would be allowable if amended to overcome the above objection and rejections. In this regard, the Applicant has amended claims 1 - 3 and 5 - 8 for editorial clarity and to better protect the invention. The Applicant has also cancelled claims 4 and 9, incorporating amended language of the claim 4 into the independent claim 1.

35 U.S.C. § 112, second paragraph, Rejections of claims 1 - 9

The Examiner rejected claims 1 - 9 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention and because the scope of the invention is not clear. The Examiner further stated that the claims appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

As the Examiner observed, these claims were the result of an English translation of a German patent application. The Applicant has amended claims 1 - 3 and 5 - 8 to conform with current U.S. practice as the Examiner helpfully suggests. In this regard, the Applicant believes that these amendments tend to the Examiner's rejections. Accordingly, the Applicant respectfully requests reconsideration of the § 112, second paragraph, rejections of claims 1 - 3 and 5 - 8.

35 U.S.C. § 101 Rejections of claims 1 - 3

The Examiner rejected claims 1 - 3 stating that the claimed invention is directed to nonstatutory subject matter and that the claimed invention must produce a useful, concrete, and tangible result. As stated, these claims were the result of an English translation of a German

patent application. The Applicant believes that these § 101 rejections are largely the result of the translation inconsistencies. In this regard, the Applicant has amended claims 1 - 3 for editorial clarity. Additionally, in a phone call on April 3, 2007, the Examiner clarified his § 101 rejections and stated that the cost of the data transmission was not being used. In this regard, the Applicant has amended the language of the allowable former claim 4 and incorporated that language into the independent claim 1 to clarify that the data transmission options are based on the total of pending transmission costs.

Amended claim 1 now recites a process for the display of transmission costs in the transmission of Internet data or on-line data by a services/information provider to a subscriber that includes, prior to a pending transfer of data, transferring a protocol element (9) by the services/information provider (6) to the subscriber's terminal unit (1), wherein the protocol element contains an indication of the pending volume of data. The process also includes recognizing the protocol element (9) at one or more transit nodes of the telecommunications networks (3, 4, 5) that are involved in the transmission and supplementing as needed the protocol element (9) by a partial cost based on a transmission through the one or more transit nodes. The method also includes evaluating the protocol element (9) at the subscriber's terminal unit (1), displaying a total of pending transmission costs at the subscriber's terminal unit (1) via browser software, and displaying, with the browser software, a menu (10) such that the subscriber institutes the transmission of the data or refuses the transmission based on the total of pending transmission costs.

The Applicant believes that these amendments tend to be Examiner's § 101 rejections. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 1. Claims 2, 3, and 5 through 8 depend from independent claim 1 and inherit all of the patentable features of the independent claim. Accordingly, the applicant respectfully requests reconsideration and allowance of these claims as well.

CONCLUSION

Based upon the foregoing, the Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: June 4, 2007